

SUPPLEMENTAL FOREIGN ASSISTANCE
AUTHORIZATION

R E P O R T

OF THE

COMMITTEE ON FOREIGN AFFAIRS

TOGETHER WITH

MINORITY AND ADDITIONAL VIEWS

ON

H.R. 19911

TO AMEND THE FOREIGN ASSISTANCE ACT OF 1961,
AND FOR OTHER PURPOSES



DECEMBER 7, 1970

DECEMBER 7, 1970.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1970

COMMITTEE ON FOREIGN AFFAIRS

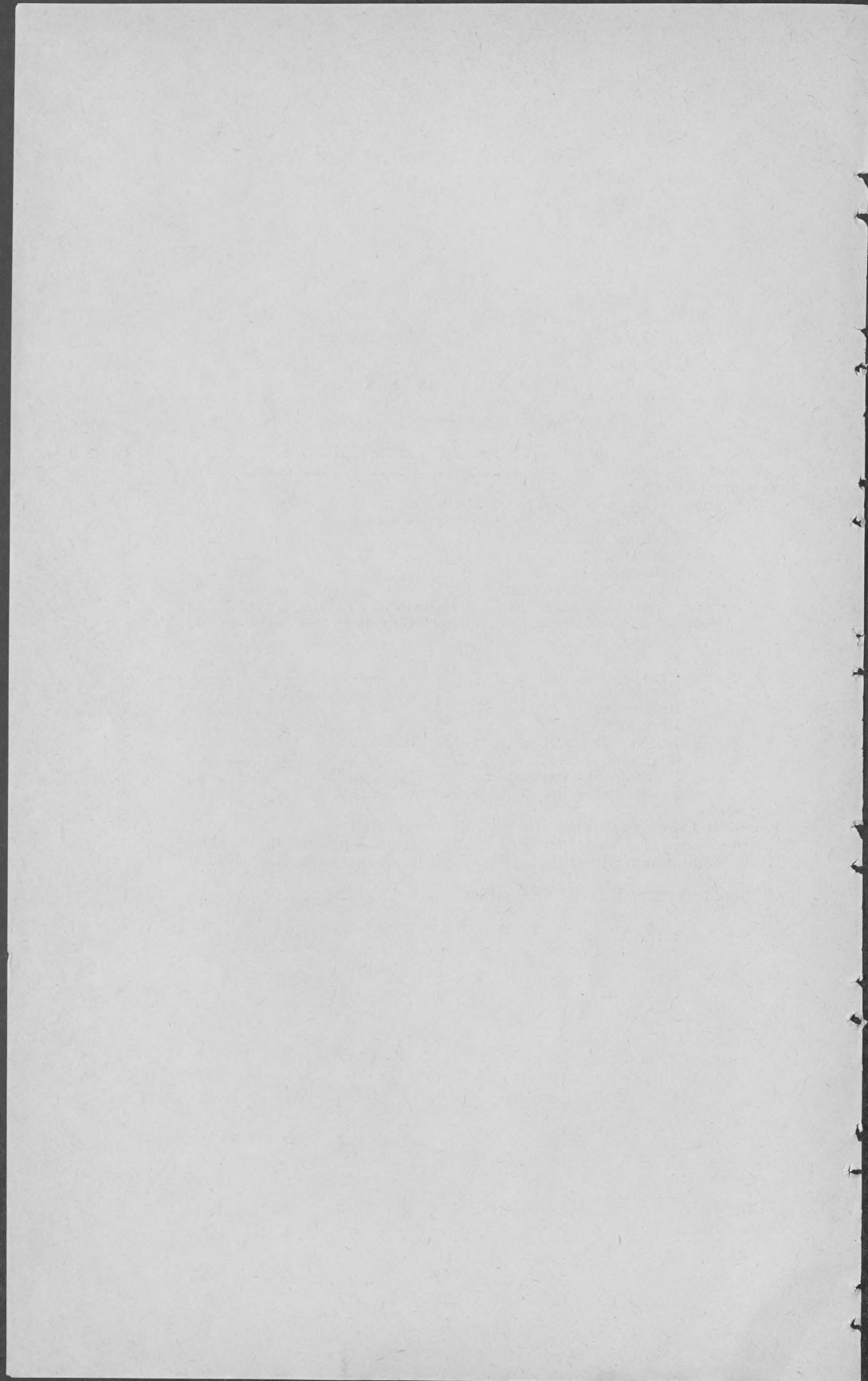
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CONTENTS

	Page
Committee action.....	1
Purpose of legislation.....	2
Provisions of the bill:	
Economic assistance:	
Sec. 1(a)—Supporting assistance authorization.....	2
Restoration.....	2
Vietnam.....	3
Cambodia.....	3
Sec. 1(b)—Rate of exchange in Vietnam.....	4
Sec. 2—Authorization for East Pakistan.....	4
Sec. 3—Authorization for appropriation of excess currencies for Pakistan.....	5
Military assistance:	
Sec. 4—Authorization.....	5
Cambodia.....	5
Indonesia.....	7
Jordan.....	7
Korea.....	7
Lebanon.....	8
Program restoration.....	8
Sec. 5—Special military aid to Korea.....	8
Conclusions.....	9
Changes in existing law made by the bill, as reported.....	10
Minority views of Hon. Donald M. Fraser, Hon. Jonathan B. Bingham, Hon. Benjamin S. Rosenthal, Hon. John C. Culver, and Hon. Edward R. Roybal.....	17
Additional views of Hon. Paul Findley.....	21



AMENDING THE FOREIGN ASSISTANCE ACT OF 1961

DECEMBER 7, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MORGAN, from the Committee on Foreign Affairs,
submitted the following

REPORT

[To accompany H.R. 19911]

The Committee on Foreign Affairs, to whom was referred the bill (H.R. 19911) to amend the Foreign Assistance Act of 1961, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

COMMITTEE ACTION

Executive Communication No. 2555, transmitting to the Speaker of the House of Representatives draft legislation to amend the Foreign Assistance Act of 1961, was received on November 19, 1970, and referred to the Committee on Foreign Affairs.

On November 21, 1970, a bill, H.R. 19845, was introduced by Hon. Thomas E. Morgan, chairman of the Committee on Foreign Affairs.

The committee held hearings for the consideration of this legislation as follows:

On November 25, 1970, in open session with the Secretary of State in the morning and with the Secretary of Defense in the afternoon.

On November 30, 1970, in executive session with Hon. Marshall Green, Assistant Secretary of State for East Asian and Pacific Affairs, and in executive session on December 1 with Lt. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for Military Assistance and Sales.

In open session on December 2, 1970, with public witnesses (Dr. Bernard Gordon, Southeast Asia Project, Research & Analysis Corp., McLean, Va.; Joseph Duffey, national chairman, Americans for Democratic Action; and Edward F. Snyder, executive secretary, Friends Committee on National Legislation).

Thereafter, on December 3, 1970, the Committee on Foreign Affairs met in executive session to mark up the bill H.R. 19845 and approved the bill with amendments. Subsequently, a clean bill, H.R. 19911, was introduced by Chairman Morgan and on December 7, 1970, the bill was ordered favorably reported by a vote of 30 yeas and 5 nays.

PURPOSE OF LEGISLATION

The purpose of H.R. 19911 is to authorize additional appropriations for foreign assistance requested by the President amounting to \$535 million. Of this sum, \$195 million is for supporting assistance and \$340 million is for military assistance. Supporting assistance is economic assistance which will be used in Cambodia and Vietnam to increase their capability to defend themselves against Communist aggression. Military assistance funds will be applied principally to programs in Cambodia and Korea; a small part will be available for programs in Lebanon, Jordan, and Indonesia. Both supporting assistance and military assistance requests contained in this bill will also permit the restoration of funds transferred from other country programs to meet the emergency needs resulting from the invasion of Cambodia by the North Vietnamese.

Although the President's message requesting additional funds for "economic and military assistance to free nations" included a request for \$500 million for Israel, that item does not appear in this bill. Authorization for that purpose is already provided in the Defense Procurement Act.

The bill also authorizes an additional appropriation of \$15 million of contingency funds, as well as appropriation of local currency held by the United States, to provide assistance for East Pakistan in the wake of the recent disaster there.

Thus, the total authorization contained in this bill is \$550 million.

PROVISIONS OF THE BILL

ECONOMIC ASSISTANCE

Section 1(a)—Supporting assistance authorization

Section 1(a) amends section 402 of the Foreign Assistance Act of 1961, as amended, by increasing the authorization for supporting assistance from \$414.6 to \$609.6 million, an increase of \$195 million. This additional sum for economic assistance programs is for three purposes: First, \$60 million to restore supporting assistance funds that have been or will be transferred from other country programs to the military assistance program for Cambodia; second, \$65 million for the commodity import and land reform programs in Vietnam; and third, \$70 million to meet economic requirements in Cambodia.

Restoration

By Presidential determination of October 23, 1970, \$50 million of supporting assistance funds, programed for other countries, was transferred to the military assistance program. The transfer was effected to meet the urgent military requirements in Cambodia.

About \$40 million of the \$50 million already transferred to the Cambodian program is being used to meet urgent military needs, principally ammunition. The remaining \$10 million is for combat-related

commercial imports such as petroleum products and bridge and road construction materials.

It is anticipated that an additional \$10 million will be transferred shortly from the same source for the same purpose for a total transfer of \$60 million.

Included in the sum of \$195 million is \$60 million that will permit the restoration of funds for supporting assistance programs in Vietnam, Laos, and Thailand. Any diminution of our efforts toward these countries at this critical juncture would jeopardize their security as well as U.S. goals.

Vietnam

The President's budget message of last February noted the possibility that the course of events in Vietnam might require an additional \$100 million authorization for supporting assistance. At that time it was not possible to identify clearly the additional amounts required. Since then the pace of Vietnamization has quickened and a far-reaching land reform program has been initiated. The Executive has now requested an additional \$65 million to support these two programs for the balance of the fiscal year.

The progressive reduction of U.S. forces in South Vietnam and the corresponding assumption of larger defense outlays by South Vietnam has placed a heavy budgetary strain on that country. The inflationary pressures resulting from this effort will have an impact on import requirements, while at the same time the South Vietnamese Government is faced with a loss of dollar exchange as a result of reduction in Department of Defense expenditures. To offset these adverse factors in the Vietnamese economy, an additional \$50 million will be used to support the regular commodity import program.

An additional \$15 million will be used to implement the land reform program in Vietnam which has been accelerated as a result of legislation enacted this spring by the Vietnamese Legislature. This sum will be in addition to \$25 million already allocated for the program. It is expected that redistribution of about 2½ million acres will be completed in 3 years, by which time most of the rural population will consist of small landholders rather than absentee landlords and tenant farmers. While the U.S. contribution will finance commodity imports, the local currency proceeds will assist the Vietnamese Government in meeting the initial piaster costs.

Cambodia

The invasion and occupation of the norther and eastern areas of Cambodia by the North Vietnamese have placed severe strains upon the economy of the country. Rubber exports have been sharply reduced, and the tourist trade has been brought to a standstill; rice exports have been jeopardized. The internal movement of goods is subject to harassment and transportation facilities are limited because of increased military activity. Tax collection is impossible in much of the countryside. The costs of supporting an army which has almost quadrupled in size in a few months are considerable. The meager resources of the country have been diverted to repair roads, bridges, and other installations destroyed or damaged by the fighting.

About half of the \$70 million contained in the bill for economic assistance to Cambodia will be used to finance essential imports such as vehicles, machinery, textiles, and cement for the balance of this

fiscal year, and about half will be for the funding of the pipeline of commodities for the early part of the next fiscal year. The Cambodians are trying to develop a multilateral foreign assistance effort. They have already sought advice from the International Monetary Fund on internal measures which can mobilize domestically part of the costs of their requirements. These funds are requested now because several months are needed before contracts can be negotiated and goods actually delivered to Cambodia.

Section 1(b)—Rate of exchange in Vietnam

Section 1(b) provides that none of the funds authorized by section 402 of the Foreign Assistance Act of 1961, as amended (supporting assistance), shall be available to the Government of Vietnam unless the President makes a determination at quarterly intervals starting in January 1971 that the accommodation rate of exchange between the two governments is fair to both countries.

The accommodation rate of exchange is that rate applicable to the purchase of piasters for dollars by private nonresidents; it is popularly called the GI rate. Although that rate has recently been adjusted, it is still a matter of concern to Congress. It is expected that the requirement of quarterly determination will keep the accommodation rate realistic in case there is further inflation.

Section 2—Authorization for East Pakistan

Section 2 amends section 451(a) of the Foreign Assistance Act of 1961, as amended, by increasing the authorization for the contingency fund for fiscal year 1971 from \$15 to \$30 million. The \$15 million increase is earmarked for relief, rehabilitation, and reconstruction assistance in East Pakistan. Indications are that the amount of dollars or other foreign exchange needed to cope with the disaster far exceed that sum.

The massive cyclone and tidal waves that struck the coast of East Pakistan in mid-November 1970 resulted in the death of at least several hundred thousand and property losses initially estimated at \$150 million. The immediate need in the affected areas is for clothes, food, shelter, and medicines. Over a longer period, a massive reconstruction program will be necessary. This would include bringing land back into production as well as the construction of buildings such as dwellings, schools and storage facilities and the repair of roads and coastal schools, and storage facilities and the repair of roads and coastal embankments. A complicating factor is that much of the destroyed area is in remote coastal regions accessible only by boats or helicopters.

The authorization for the contingency fund for fiscal year 1971 is \$15 million. As of this date, action on the appropriation has not been completed. Assuming the full appropriation plus prior year carryovers and possible deobligations of prior year funds, about \$20 million will be available. Of this amount, about \$11.5 million has already been used, including \$5 million to meet emergency disaster relief needs in East Pakistan. Thus, only \$8.5 million remains to meet the additional needs of East Pakistan as well as any other extraordinary emergency requirements.

In addition to responding to a humanitarian situation, a rapid U.S. action would have a strong public impact in Pakistan and would encourage other nations to participate in the rehabilitation effort.

Section 3—Authorization for appropriation of excess currencies for Pakistan

Section 3 authorizes the appropriation of unallocated excess foreign currencies held by the United States in Pakistan. Such authority continues for a period of 1 year after the enactment of this bill. The appropriations made pursuant to this authority would be available only for disaster relief and reconstruction in East Pakistan. Thus, they would supplement any amounts appropriated under the authority of section 2. Present U.S. holdings of Pakistani rupees that could be used under this amendment approximate \$104 million. The availability of this local currency would make it possible to purchase local goods and services to speed up relief and reconstruction efforts. These funds are now lying idle in restricted accounts which are not needed to cover current U.S. expenditures in Pakistan. Other local currency sources are available, and ample funds at the rate of about \$35 million equivalent a year will continue to be generated to cover U.S. needs for Pakistani rupees.

MILITARY ASSISTANCE

Section 4—Authorization

This section amends section 504(a) of the Foreign Assistance Act of 1961, as amended, which relates to authorization of military assistance. It increases the authorization from \$350 to \$690 million for fiscal year 1971, an increase of \$340 million in new obligational authority.

It is anticipated that the additional \$340 million will be expended on the following programs:

	<i>Millions</i>
Cambodia.....	\$85
Indonesia.....	3
Jordan.....	30
Korea.....	150
Lebanon.....	5
Restoration of funds to planned country levels.....	67
Total.....	340

Cambodia

Of the \$340 million new obligational authority for military assistance requested in H.R. 19911, Cambodia is programed to receive \$85 million. Another \$100 million contained in the total request will be used to pay back funds diverted to Cambodia from other military assistance programs (\$40 million) and those taken from the supporting assistance fund (\$50 million) together with another \$10 million subsequently to be transferred from the supporting assistance fund. Thus, the overall fiscal year 1971 military assistance program for Cambodia is \$185 million.

Total fiscal year 1971 Cambodia MAP.....	\$185, 000, 000
Transfers from other MAP.....	\$40, 000, 000
Transfers from other FAA programs.....	60, 000, 000
Total transfers.....	100, 000, 000
Supplemental fiscal year 1971 funds required.....	85, 000, 000

The greater part of the fiscal year 1971 military assistance program for Cambodia will provide items of an operational nature. According

to the Secretary of Defense, about 70 percent will be used for ammunition, mostly for small arms and mortars. A significant number of carbines, rifles, machineguns, and mortars are also included, as are communications equipment and support for the few helicopters and tactical fighters which have been provided.

The basic U.S. objective in providing military assistance to Cambodia is to protect Vietnamization and to insure the unimpeded withdrawal of United States forces from South Vietnam.

Secretary of State Rogers stressed this when he told the Committee:

We believe the best way to gain the objectives is to assist—with air support and aid, not military advisers or ground troops—Cambodian efforts to defend itself. This request for military and economic assistance would do just that. If Cambodia proves unable to withstand North Vietnam's aggression, Vietnamization and the troop withdrawal program will suffer a setback—the assistance program will help make it possible to continue our troop withdrawals.

The committee supports the objectives of the U.S. military assistance program for Cambodia as outlined by the Secretary of State.

With these objectives in mind, the committee authorized the full amount for Cambodia. It is not, however, intended that military assistance provided under this authorization be of such type and quantity as to enable that country to create an elaborate military organization, but rather to provide that Government with the basic weapons and equipment necessary to maintain its independence and security.

The importance of a secure Cambodia to the Vietnamization program and the withdrawal of American troops requires that that country be in a position to defend itself. If more weapons and ammunition are not made available rapidly, the ability of Cambodia to survive will be seriously jeopardized. Cambodia will run out of ammunition soon. This authorization is necessary if their logistical requirements, especially ammunition, are to be sustained.

The Cambodian military has grown from some 40,000 before the invasion in April 1970 to approximately 150,000 at the present time. If this force is to become combat effective, it must have weapons and equipment. As the requirements increase, however, the funds available are decreasing. There is only \$9 million remaining unobligated at this time to meet fiscal year 1971 requirements, and this will be expended by the end of January 1971. After that, there will be no funds available to finance military assistance for Cambodia unless additional funds are diverted from other foreign assistance programs.

For these reasons and to insure that Cambodia can continue to defend herself, thus contributing to the withdrawal of U.S. forces from South Vietnam, it is urgent that additional funds be made available.

There is, however, widespread concern among members of the committee that a large military assistance program for Cambodia will lead to the introduction of U.S. military advisers into that country, and that Cambodia could become another Vietnam. The committee was assured by Secretary of State William Rogers that this would not happen. He said:

This request * * * will not make Cambodia another Vietnam. It will help reduce our involvement in Vietnam.

On the question of U.S. military advisory personnel in Cambodia, Secretary of State Rogers was emphatic on this point. He said:

We have no military forces or advisers in Cambodia, nor do we intend to send any.

The committee is in full agreement with the Secretary of State that the United States should not furnish military assistance advisers to Cambodian forces engaged in combat. It is recognized, however, that U.S. military personnel should be provided to supervise the distribution and care of U.S. military supplies and equipment deliveries to Cambodia.

Indonesia

The funds requested for Indonesia are required to support Indonesian efforts to create a military organization that is capable of maintaining internal security in Indonesia.

The United States will provide rifles, propeller-driven ground support aircraft, navy patrol craft, and similar items appropriate to Indonesian internal defense needs. The pressing emphasis of the Indonesian program will, however, remain on logistical, civic action, and communications assistance.

This is a modest program and will insure the continued stability and internal security of Indonesia which is important to the future peace and stability of Southeast Asia.

Jordan

The existence of a moderate, stable government in Jordan is important to the achievement of a lasting peace settlement in the Middle East. The Government of Jordan demonstrated its determination to remain independent in the struggle with the Fedayeen guerrillas last September. As a result of that struggle, Jordan urgently needs replacements for ammunition expended and equipment destroyed in the September fighting.

It is essential that Jordan develop a military force with the capability of resisting future internal upheaval and external incursions.

Korea

The request for additional funds for the Republic of Korea (ROK) is necessary if Korea is to assume greater responsibility for its own defense. As U.S. troops are withdrawn from Korea, they will be replaced with Korean soldiers.

The U.S. military assistance program over the past years has helped to create an ROK armed force competent enough and large enough to permit a reduction of U.S. military forces in Korea. The United States is now in the process of reducing from 64,000 at the time of the *Pueblo* incident to 43,000 by the end of fiscal year 1971.

Funds allotted to Korea in the regular military assistance appropriation, as presented in the fiscal year 1971 request to the Congress, are devoted essentially to the operation and maintenance of ROK forces. There is very little for new equipment to upgrade ROK capabilities.

The \$150 million addition will provide necessary materiel to begin a balanced force modernization program which will increase the combat effectiveness of ROK forces and enable the United States to continue the withdrawal of troops from Korea.

The bulk of the funds will be used for aircraft, vehicles, communications equipment, and similar items of equipment designed to modernize the Korean armed forces. A small amount of the funds will be provided for training support and to assist the Republic of Korea to improve airfield facilities.

According to Secretary of Defense Melvin R. Laird, substantial savings will result from the withdrawal of U.S. troops from Korea:

* * * Although the amount involved is admittedly substantial, I can assure you that it will be more than offset by the savings which will result from the withdrawal of U.S. forces. Total net savings—that is, U.S. withdrawal and deactivation savings minus incremental Korean modernization costs—will run about \$450 million over a 5-year period.

Lebanon

Military assistance programed for Lebanon is directly related to the achievement of a lasting peace in the Middle East. The assistance provided will assist in equipping the Lebanese Army and security forces with weapons and other defense articles necessary to maintain internal security.

The committee supports the President's position to provide military assistance to such countries as Jordan and Lebanon to the extent he deems necessary in order for such states to meet threats to their security and independence.

Program restoration

As a result of Presidential determinations, it was necessary to restructure the fiscal year 1971 military assistance program presented to the Congress to provide \$40 million in military assistance to Cambodia and \$10 million to Indonesia. In addition, \$17 million in anticipated recoupments, reappropriation, and reimbursements which failed to materialize required a further reduction in fiscal year 1971 country program levels. Programs for Korea, Turkey, Greece, the Philippines, China, Tunisia, and Ethiopia were reduced; and all materiel programs for Latin America and the Congo were eliminated.

The appropriation of this \$67 million will make it possible to restore country programs to levels consistent with the security requirements of these forward defense and base rights countries.

Section 5—Special military aid to Korea

Section 5 of H.R. 19911 adds a new section 511 to the Foreign Assistance Act. It authorizes the Department of Defense to transfer defense articles now being utilized by U.S. forces in Korea to the Republic of Korea. Although this equipment is becoming excess to U.S. requirements in Korea as the reduction of forces continues, it is not excess to U.S. worldwide requirements—hence the request for the authority to transfer the equipment to the Republic of Korea. It is estimated that the value of this equipment will approximate between \$117 and \$122 million.

According to the Department of Defense it is more economical to transfer this equipment to the Republic of Korea than it would be to return it to the United States.

The transfer of this equipment will also enable the Republic of Korea armed forces to insure that the combat effectiveness of the

ROK forces is not diminished as a result of the reduction in U.S. troop levels.

No funds appropriated heretofore or subsequent to this authorization will be used to reimburse any agency of the U.S. Government on account of any transfer made under this authority.

CONCLUSIONS

The additional authorizations for foreign assistance, both military and economic, carried in this bill are for specific programs to achieve specific foreign policy objectives. The objectives are twofold: to improve the capabilities of a few nations so that they can assume a greater burden of their own defense as the United States progressively reduces its presence overseas; and, in the case of the Middle East, to provide modest increments in military assistance to a few select countries in order that they may maintain a degree of internal stability.

As indicated in the hearings and in this report, the committee showed a particular concern about the proposed program for Cambodia. It has been assured by two Cabinet officers as well as lesser officials that U.S. assistance to Cambodia will not be the prelude to involvement such as we experienced in Vietnam. Neither a military assistance advisory mission nor an AID mission will be established. The military equipment given Cambodia is not of a sophisticated type. Commodities imported under the economic portion are limited to bare essentials. If anyone is to defend that country, it will have to be the Cambodians themselves together with any help they can secure from their neighbors. It will not be the United States. The committee has been assured that the Cambodians understand this.

In Korea, the United States is about to withdraw one division. In Vietnam, the Vietnamese are assuming greater military responsibilities and the United States is correspondingly reducing its military forces. To effect an orderly shift from reliance upon the U.S. presence to reliance upon their own forces without jeopardizing the gains that have thus far been made places heavy demands upon both countries. In the case of the war-ravaged economy of Vietnam, the problem is not only military but economic.

During the hearings the question was raised: Why the haste for the program now? Why not wait until next year? The fact is that time is all important. Events in Asia and in the Middle East require an immediate response if U.S. policy objectives are to be achieved. To delay action will result in changed circumstances abroad that will only be much less favorable to the United States.

In recommending the prompt enactment of this bill, the committee is convinced that it is acting in the national interest.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FOREIGN ASSISTANCE ACT OF 1961

* * * * *

PART I

Chapter 4—Supporting Assistance

Sec. 401. General Authority.—The President is authorized to furnish assistance to friendly countries, organizations, and bodies eligible to receive assistance under this part on such terms and conditions as he may determine, in order to support or promote economic or political stability. The authority of this chapter shall not be used to furnish assistance to more than twelve countries in any fiscal year.

Sec. 402. Authorization.—There is authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1970 not to exceed \$414,600,000, and for the fiscal year 1971 not to exceed **[\$414,600,000]** *\$609,600,000: Provided, That where commodities are furnished on a grant basis under this chapter under arrangements which will result in the accrual of proceeds to the Government of Vietnam from the sale thereof, arrangements should be made to assure that such proceeds will not be budgeted by the Government of Vietnam for economic assistance projects or programs unless the President or his representative has given his prior written approval. Amounts appropriated under this section are authorized to remain available until expended. None of the funds authorized by this section shall be made available to the government of Vietnam unless, beginning in January 1971, and quarterly thereafter, the President of the United States shall determine that the accommodation rate of exchange between said government and the United States is fair to both countries.*

* * * * *

Chapter 5—Contingency Fund

Sec. 451. Contingency Fund.—(a) There is hereby authorized to be appropriated to the President for the fiscal year 1970 not to exceed \$15,000,000, and for the fiscal year 1971 not to exceed **[\$15,000,000]** *\$30,000,000*, for use by the President for assistance authorized by part I in accordance with the provisions applicable to the furnishing of such assistance, when he determines such use to be important to the national interest: *Provided, That, in addition to any other sums*

available for such purpose, \$15,000,000 of the amount authorized for the fiscal year 1971 may be used only for the purpose of relief, rehabilitation and reconstruction assistance for the benefit of cyclone, tidal wave and flood victims in East Pakistan.

(b) The President shall provide quarterly reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Speaker of the House of Representatives on the programing and the obligation of funds under subsection (a).

* * * * *

PART II

Chapter 1—Policy

Sec. 501. Statement of Policy.—The Congress of the United States reaffirms the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except for individual or collective self-defense. The Congress hereby finds that the efforts of the United States and other friendly countries to promote peace and security continue to require measures of support based upon the principle of effective self-help and mutual aid. It is the purpose of this part to authorize measures in the common defense against internal and external aggression, including the furnishing of military assistance, upon request, to friendly countries and international organizations. In furnishing such military assistance, it remains the policy of the United States to continue to exert maximum efforts to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying countries against violation and evasion.

The Congress recognizes that the peace of the world and the security of the United States are endangered so long as international communism and the countries it controls continue by threat of military action, by the use of economic pressures, and by internal subversion, or other means to attempt to bring under their domination peoples now free and independent and continue to deny the rights of freedom and self-government to peoples and countries once free but now subject to such domination.

It is the sense of the Congress that an important contribution toward peace would be made by the establishment under the Organization of American States of an international military force.

In enacting this legislation, it is therefore the intention of the Congress to promote the peace of the world and the foreign policy, security, and general welfare of the United States by fostering an improved climate of political independence and individual liberty, improving the ability of friendly countries and international organizations to deter or, if necessary, defeat Communist or Communist-supported aggression, facilitating arrangements for individual and collective security, assisting friendly countries to maintain internal security, and creating an environment of security and stability in the developing friendly countries essential to their more rapid social, economic, and political progress. The Congress urges that all other countries able to contribute join in a common undertaking to meet the goals stated in this part.

It is the sense of the Congress that in the administration of this part priority shall be given to the needs of those countries in danger of becoming victims of active Communist or Communist-supported aggression or those countries in which the internal security is threatened by Communist-inspired or Communist-supported internal subversion.

Finally, the Congress reaffirms its full support of the progress of the members of the North Atlantic Treaty Organization toward increased cooperation in political, military, and economic affairs. In particular, the Congress welcomes the steps which have been taken to promote multilateral programs of coordinated procurement, research, development, and production of defense articles and urges that such programs be expanded to the fullest extent possible to further the defense of the North Atlantic area.

Sec. 502. Utilization of Defense Articles and Defense Services.—

Defense articles and defense services to any country shall be furnished solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort.

Chapter 2—Military Assistance

Sec. 503. General Authority.—The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, by—

(a) acquiring from any source and providing (by loan or grant) any defense article or defense service;

(b) making financial contributions to multilateral programs for the acquisition or construction of facilities for collective defense;

(c) providing financial assistance for expenses incident to participation by the United States Government in regional or collective defense organizations;

(d) assigning or detailing members of the Armed Forces of the United States and other personnel of the Department of Defense to perform duties of a noncombatant nature, including those related to training or advice.

Sec. 504. Authorization.—(a) There is authorized to be appropriated to the President to carry out the purposes of this part not to exceed \$350,000,000 for the fiscal year 1970, and **[\$350,000,000]** \$690,000,000 for the fiscal year 1971: *Provided*, That funds made available for assistance under this chapter (other than training in the United States) shall not be used to furnish assistance in more than forty countries in any fiscal year: *Provided further*, That none of the funds appropriated pursuant to this subsection shall be used to furnish sophisticated weapons systems, such a missile system and jet aircraft for military purpose, to any underdeveloped country, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress. Amounts appropriated under this subsection are authorized to remain available until expended. Amounts appropriated under this subsection shall be available for cost-sharing expenses of United States participation in the military headquarters and related agencies program.

(b) In order to make sure that a dollar spent on military assistance to foreign countries is as necessary as a dollar spent for the United States military establishment, the President shall establish procedures for programing and budgeting so that programs of military assistance come into direct competition for financial support with other activities and programs of the Department of Defense.

Sec. 505. Conditions of Eligibility.—(a) In addition to such other provisions as the President may require, no defense articles shall be furnished to any country on a grant basis unless it shall have agreed that—

- (1) it will not, without the consent of the President—
 - (A) permit any use of such articles by anyone not an officer, employee, or agent of that country,
 - (B) transfer, or permit any officer, employee, or agent of that country to transfer such articles by gift, sale, or otherwise, or
 - (C) use or permit the use of such articles for purposes other than those for which furnished;
 - (2) it will maintain the security of such articles, and will provide substantially the same degree of security protection afforded to articles by the United States Government;
 - (3) it will, as the President may require, permit continuous observation and review by, and furnish necessary information to representatives of the United States Government with regard to the use of such articles; and
 - (4) unless the President consents to other disposition, it will return to the United States Government for such use or disposition as the President considers in the best interests of the United States, such articles which are no longer needed for the purposes for which furnished.
- (b) No defense articles shall be furnished on a grant basis to any country at a cost in excess of \$3,000,000 in any fiscal year unless the President determines—

- (1) that such country conforms to the purposes and principles of the Charter of the United Nations;

(2) that such defense articles will be utilized by such country for the maintenance of its own defensive strength, and the defensive strength of the free world;

(3) that such country is taking all reasonable measures, consistent with its political and economic stability, which may be needed to develop its defense capacities; and

(4) that the increased ability of such country to defend itself is important to the security of the United States.

(c) The President shall regularly reduce and, with such deliberate speed as orderly procedure and other relevant considerations, including prior commitments, will permit, shall terminate all further grants of military equipment and supplies to any country having sufficient wealth to enable it, in the judgment of the President, to maintain and equip its own military forces at adequate strength, without undue burden to its economy.

(d) Any country which hereafter uses defense articles or defense services furnished such country under this Act, the Mutual Security Act of 1954, as amended, or any predecessor foreign assistance Act, in substantial violation of the provisions of this chapter or any agreements entered into pursuant to any of such Acts shall be immediately ineligible for further assistance.

(e) From and after the sixtieth day after the day of enactment of the Foreign Assistance Act of 1966, no assistance shall be provided under this chapter to any country to which sales are made under title I of the Agricultural Trade Development and Assistance Act of 1954 until such country has entered into an agreement to permit the use of foreign currencies accruing to the United States under such title I to procure equipment, materials, facilities, and services for the common defense including internal security, in accordance with the provisions of section 104(c) of such title I.

Sec. 506. Special Authority.—(a) During the fiscal year 1970 and the fiscal year 1971 the President may, if he determines it to be vital to the security of the United States, order defense articles from the stocks of the Department of Defense and defense services for the purposes of part II, subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance. The value of such orders under this subsection in each of the fiscal years 1970 and 1971 shall not exceed \$300,000,000. Prompt notice of action taken under this subsection shall be given to the Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and the Speaker of the House of Representatives.

(b) The Department of Defense is authorized to incur, in applicable appropriations, obligations in anticipation of reimbursements in amounts equivalent to the value of such orders under subsection (a) of this section. Appropriations to the President of such sums as may be necessary to reimburse the applicable appropriation, fund, or account for such orders are hereby authorized.

Sec. 507. Restrictions on Military Aid to Latin America.—(a) The value of grant programs of defense articles for American Republics, pursuant to any authority contained in this part other than chapter 3, in any fiscal year beginning with the fiscal year 1962, shall not exceed \$25,000,000, of which any part may be used for assistance on a cost-sharing basis to an inter-American military force under the control of the Organization of American States.

(b) To the maximum extent feasible, military assistance shall be furnished to American Republics in accordance with joint plans (including joint plans relating to internal security problems) approved by the Organization of American States. The President shall submit semiannual reports to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate on the implementation of this subsection.

(c) Except (1) to the extent necessary to fulfill prior commitments, or (2) for civic action assistance, or (3) to the extent that the President finds, with respect to any Latin American country, that the furnishing of military assistance under this Act is necessary to safeguard the security of the United States or to safeguard the security of a country associated with the United States in the Alliance for Progress against overthrow of a duly constituted government, and so informs the congress, no further military assistance under any provision of this Act shall be furnished to any Latin American country.

(d) Notwithstanding the foregoing provisions of this section, not to exceed \$10,000,000 of the funds made available for use under this part may be used to furnish assistance to the American Republics, directly or through regional defense arrangements, to enable such Republics to strengthen patrol activities in their coastal waters for the purpose of preventing landings on their shores, by Communist or other subversive elements originating in Cuba, which threaten the security of such Republics and of their duly constituted governments.

Sec. 508. Restrictions on Military Aid to Africa.—No military assistance shall be furnished under this Act to any country in Africa, except for internal security requirements or for civic action requirements, unless the President determines otherwise and promptly reports such determination to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. The total value of military assistance for African countries in each fiscal year, pursuant to any authority contained in this part, shall not exceed \$25,000,000.

Sec. 509. Certification of Recipient's Capability.—(a) Except as provided in subsection (b) of this section, no defense article having a value in excess of \$100,000 shall hereafter be furnished to any country or international organization under the authority of this Act (except under the authority of chapter 3) unless the chief of appropriate military assistance advisory group representing the United States with respect to defense articles used by such country or international organization or the head of any other group representing the United States with respect to defense articles used by such country or international organization has certified in writing within six months prior to delivery that the country or international organization has the capability to utilize effectively such article in carrying out the purposes of this part.

(b) Defense articles included in approved military assistance programs may be furnished to any country or international organization for which the certification required by subsection (a) of this section cannot be made when determined necessary and specifically approved in advance by the Secretary of State (or, upon appropriate delegation of authority by an Under Secretary or Assistant Secretary of State) and the Secretary of Defense (or, upon appropriate delegation of authority by the Deputy Secretary or an Assistant Secretary of De-

fense). The Secretary of State, or his delegate, shall make a complete report to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each such determination and approval and the reasons therefor.

Sec. 510. Restrictions on Training Foreign Military Students.—The number of foreign military students to be trained in the United States in any fiscal year, out of funds appropriated pursuant to this part, may not exceed a number equal to the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 in the immediately preceding fiscal year.

Sec. 511. Special Military Aid to Korea.—*In addition to any program of assistance to Korea for which funds may be available pursuant to this part, the President is authorized until June 30, 1972, to transfer to the Republic of Korea, in furtherance of the purposes of this part and within the limitations of this Act, such of the defense articles of the Armed Forces of the United States deployed in Korea on July 1, 1970, as he may determine: Provided, That no funds heretofore or hereafter appropriated for the purposes of this part shall be available for reimbursement to any agency of the United States Government on account of any transfer made pursuant to this section.*

MINORITY VIEWS OF HON. DONALD M. FRASER, HON.
JONATHAN B. BINGHAM, HON. BENJAMIN S. ROSEN-
THAL, HON. JOHN C. CULVER, AND HON. EDWARD
R. ROYBAL

INADEQUATE CONSIDERATION

Because of its important, long-range significance and implications, H.R. 19911 is a major bill. The timing and handling of this legislation, however, has made a proper examination of this authorization of funds impossible. In addition, the facts which have been advanced are inadequate to support the executive branch request at this time. Until mid-October the executive branch did not know—as we did not—that there definitely would be a postelection session. Yet, by mid-November it was arguing the absolute necessity of congressional approval in the waning days of 1970 for a supplemental foreign aid authorization amounting to more than one-half of a billion dollars.

As a result of pressures for speed, the House Foreign Affairs Committee was limited to five hearing sessions, four of them with executive witnesses from the Departments of State and Defense. Just one session was set aside for private witnesses and only three of them had the opportunity to testify. A request by some members of the committee to invite other outside expert witnesses to testify on the bill was turned down, even though additional testimony might have taken only a day or two longer.

Why this sudden urgency? Although the question was asked many times of administration witnesses, it was never answered satisfactorily. As the chairman of the committee himself remarked during the hearings—a good case was not made for the emergency nature of this legislative package.

Much of the discussion about the need for haste centered around the executive branch contention that unless congressional action is taken now money for ammunition to be used by Cambodian troops will run out in mid-January. Yet a Presidential determination of October 23, 1970, made available \$40 million to insure adequate weapons and ammunition stocks during the dry season in Cambodia. Since the dry season there extends from about December to next May, it is difficult to accept the proposition that the Cambodians will be running short of bullets early next year.

Moreover, Secretary of Defense Laird admitted to the committee that even if the Congress fails to act during the postelection session, or even for some months in the new Congress, supplies to Cambodia will continue to flow. Authority for continued shipments could come through Presidential determinations provided under sections 610 and 614 of the Foreign Assistance Act, as has been done in the past; or under section 506 of that same legislation. Section 506—which thus far has not been invoked for Cambodia—provides that, following a Presidential determination, defense articles for foreign military aid may be ordered from existing Department of Defense stocks, up to a

ceiling of \$300 million, subject to subsequent reimbursement. It is clear, therefore, that U.S.-supported combat efforts in Cambodia and Vietnam would not be harmed by a failure to act on this bill.

The fundamental question is how long is the Congress going to be asked to give approval to executive actions which commit U.S. forces and resources, particularly in Southeast Asia, on an ex post facto and urgent basis with little or no time to analyze the political and military implications which might follow from that action.

We believe this bill contains the seeds of commitments paralleling closely the commitments made to South Vietnam during the latter part of the 1950's and the early 1960's. Those Vietnam commitments have been redeemed, and are continuing to be redeemed, at a terrible cost of American lives and resources. With the lessons of recent history written so clearly, no conscientious representative of the American people can approve a similar new involvement without full and careful consideration, in the light of the Nation's real interests.

WATERSHED LEGISLATION ON CAMBODIAN INVOLVEMENT

The primary importance of this legislation is in the funds it would authorize for military and supporting assistance to Cambodia. Up to this time, Congress has been substantially ignored in policy matters regarding that war-torn nation. The Cambodian invasion of last May was strictly an executive action; approval of Congress was not sought nor were members consulted about the move. Furthermore, military aid provided to date to Cambodia—totaling \$98.9 million—has been given through unilateral Presidential determinations. Up to now, the extent of U.S. involvement in Cambodia has been solely the responsibility of the executive branch.

Psychologically and practically, if the Congress approves this legislation in the form and amounts requested by the executive branch, it will be endorsing the substance and direction of current U.S. policy in Cambodia. It will thereby come to share in the responsibility for the results of past actions in which the Congress had no say. Such will be the interpretation not only of domestic and foreign observers, but also of the executive branch when it suits its purposes to make an interpretation.

Many legitimate questions may be asked about the Cambodian involvement. For the most part, the testimony of the Secretaries of State and Defense and their subordinates failed to answer those questions, or to address themselves to the basic issues involved. Some vital questions are:

(1) What is the nature of the U.S. commitment to Cambodia?

Is the United States now involved in an effort to keep the Lon Nol government in power? The authorization for Cambodia has been defended almost solely in terms of vietnamization. And yet, no witness was willing to say that U.S. military aid to Cambodia would cease once vietnamization is completed.

(2) How much is our involvement there going to cost in the future?

One witness for the executive branch termed the \$185 million in military aid and \$70 million in supporting assistance for Cambodia in this bill a first installment in our program there and revealed that

the administration expects to ask for even more money for Cambodia in fiscal year 1972.

- (3) *Will the United States ultimately be forced to send in advisers to assist the Cambodians and perhaps ultimately to send combat troops?*

It is clear that the quantity of aid to Cambodia authorized by this bill will require a substantial increase in the number of American military personnel in Cambodia. Ostensibly these men would be involved only in logistics supply activities related to the delivery and use of American military equipment to be bought with funds authorized by this bill. It is but a short step, however, from such tasks to combat field advisory work. And, as the Vietnam experience shows us, the next step can be direct combat involvement of American fighting men. No witness, it should be pointed out, would predict that such a chain of events would not be repeated for Cambodia.

- (4) *What is happening inside Cambodia*

Executive branch witnesses were lavish in their praise for accomplishments of the Cambodians in fighting for their homeland against North Vietnamese invasion. Cambodian enthusiasm, determination, desires "to do the job themselves" have been cited frequently. Such assurances echo hollowly against the background of daily headlines which tell of North Vietnamese victories inside Cambodia. We have heard such overly sanguine reports before:

During the last 6 months there has been steady and notable progress in military, political, social, and economic fields. Vietcong losses in personnel, weapons, and logistics support have increased sharply. Government forces are making forays into Vietcong strongholds which were never penetrated during the whole course of the Indochina war. Defections from the Vietcong have increased. Popular support is being gained by the Government. The rural population is rejecting communism. The people are fighting to protect themselves against the Communist guerrillas.

That statement was made by Adm. H. D. Felt, then commander in chief in the Pacific, on May 14, 1963, in testimony before the House Foreign Affairs Committee in support of a greatly expanded military aid bill for Vietnam. In those days, it may be recalled, we had no combat troops in Southeast Asia, no prisoners of war there, no tens of thousands of men killed or wounded in combat, no billions of dollars expended. The assurances which have been given us on Cambodia sound ominously like the kinds of things Congress was being told about Vietnam in the early 1960's.

- (5) *What are other nations in the region doing to assist Cambodia?*

The Nixon doctrine, quite rightly, makes a point of defense cooperation in a regional or some other multilateral framework. Yet in Cambodia we are doing the job virtually by ourselves. Witnesses cited small amounts of aid being given by third countries but this assistance to Cambodia clearly does not entail any real sacrifice for the donor countries. Moreover, it may legitimately be questioned whether the United States has both engineered the aid and is indirectly paying for it—as recent hearings have revealed to be the case in Vietnam.

OTHER TROUBLE SPOTS IN H.R. 19911

Although our primary concern is with the Cambodian authorization, there are several other provisions of the bill which trouble us. They concern the authorizations for Indonesia and Korea:

(1) Indonesia

No satisfactory explanation has been offered for the drastic and emergency increase in the MAP program for Indonesia, nor for the decision to provide the Indonesians with arms in addition to purely civic action-type equipment. We believe this action signals a move away from the successful low-profile policy in that country and raises the real possibility of the United States becoming a sole source supplier of weapons to the military-run Government of Indonesia. Playing that supplier role in Indonesia from 1960-65, the Soviet Union pumped in more than \$1 billion worth of military equipment. Today much of it lies rusting and unusable while Indonesian-Soviet relations are strained. In that story lies a lesson for the United States.

During the hearings the question was raised of why the United States is not providing military aid to Indonesia in a multilateral framework, as we are our economic aid to that country. Although such an idea would seem to be of the essence of the Nixon doctrine, the Secretary of State made it clear by his answer that a military aid consortium for Indonesia had never been seriously considered.

(2) Korea

While we are generally in support of the modernization of Korean Armed Forces which will allow the United States to withdraw substantial numbers of American troops, we do not believe the executive branch has explained its plans and intentions thoroughly enough to ask congressional approval at this time. This legislation contains \$150 million in new grant aid to upgrade Korean forces, and permits the transfer to the Republic of Korea of defense articles of the U.S. Armed Forces deployed in that country. The value of this equipment has been set at from \$117 to \$122 million by the Secretary of Defense.

These funds are a first installment in a 5-year commitment by the United States to Korea, but the committee was not briefed on the amounts which will be requested in subsequent years, the force levels we project for the Koreans, the effect of modernization on the strategic and political situation on the Korean peninsula, and the relationship between Korean modernization and the drawdown of American forces.

CONCLUSION

As a result of the circumstances which have been described, we have concluded that H.R. 19911, the foreign aid supplemental bill, should not be approved in the undue haste enforced by the artificial deadline of congressional adjournment. The stakes are too high, the possible future costs too enormous, the responsibilities of Congress clearly too grave, to permit a decision made precipitously and without full information.

DONALD M. FRASER.
JONATHAN B. BINGHAM.
BENJAMIN S. ROSENTHAL.
JOHN CULVER.
EDWARD R. ROYBAL.

ADDITIONAL VIEWS OF HON. PAUL FINDLEY

Text of proposed amendment:

SEC. 3. The military and supporting assistance funds authorized for Cambodia by the amendments made by the first two sections of this Act shall be used exclusively for purposes the President determines to be essential to the withdrawal of United States military personnel from South Vietnam, and in no case shall be used to establish or maintain United States military advisory personnel in Cambodia.

THE COMMITMENT TO CAMBODIA REQUIRES CONGRESSIONAL DEFINITION

The United States presently has no treaty obligation to Cambodia. By mutual agreement, our obligation to that state under the SEATO Treaty was terminated long ago. We have had no AID or military assistance program there since 1963.

H.R. 19911, therefore, has major importance because it sanctions a commitment where none presently exists. It authorizes both military and supporting assistance to the Government of Cambodia, and thus brings the Congress squarely to the question of a new commitment.

When Congress approves for the first time money and arms for a foreign government, it thereby sanctions a new commitment in some form.

Because the sanction of an initial commitment can become the foundation of broad involvement—as happened in Vietnam—the action is one of gravity. From the first day of our involvement in Vietnam to this very day, whatever commitment Congress has sanctioned has been vague, if not murky. Despite its heavy foreign policy obligations under the Constitution, the Congress has preferred ambiguity, inaction, and the passive role of supply sergeant to the needs of the Military Establishment. A new chapter in congressional responsibility is overdue, and this bill is a good place to begin.

If the Vietnam war were not fresh in our minds, if the traumatic experiences of the past few years were not still painful to remember, such ill-considered action would be understandable, though still unwise.

I believe that the Congress should approve the emergency request by the President, but should establish as policy that the military assistance funds authorized for Cambodia shall be used exclusively for purposes the President determines to be essential to the withdrawal of U.S. military personnel from South Vietnam, and in no case used to establish or maintain U.S. military advisory personnel in Cambodia. In committee I offered such an amendment.

Unfortunately, the issue at that point was clouded by a document entitled "Arguments Against the Proposed Findley Amendment"

(see appendix). These arguments, sent up by an executive branch staff member, obviously were constructed on the basis of an earlier version of my amendment, as will be evident from examining the text of this document. The objections cited were subsequently overcome by the modifications embodied in my amendment as offered to the committee. However, I might make these observations about the arguments put forth in the document.

1. Unless "Commander in Chief responsibility" is to be a catch-all phrase used by those inclined to believe in such things as the divine right of kings, it cannot seriously be argued that Congress infringes upon Presidential prerogatives by setting policy with respect to U.S. military and economic assistance.

2. To say that "any such operational limitations ought to be self-imposed by the Executive" flies in the face of any congressional delineation in the field of foreign affairs and makes a mockery of the constitutional separation of powers.

3. It is difficult to imagine that the morale of the Cambodians would be adversely affected if, at the same time Congress delivered them a check for \$155 million in military and economic assistance, Congress delayed consideration of a broad commitment until the first of the new year.

4. It cannot be argued that my amendment precludes any future economic assistance to Cambodia, should that need develop in the period following Vietnamization and the conclusion of the Vietnam war. Such an assertion smacks of the very long-term kind of commitment which both Secretary Rogers and Secretary Laird rejected in unequivocal terms. If such a commitment is to be made, it should be done through the normal legislative process, and not rushed through as an emergency authorization on the eve of Christmas adjournment. I stand ready eagerly to consider such a long-term commitment next month, when Congress reconvenes.

5. Finally, the amendment is now drafted so as to speak positively to the issues presented. It states what the funds shall be used for, and adopts Secretary Rogers' and Secretary Laird's pledge that the funds will not be used to send military advisory personnel into Cambodia.

The "Arguments Against the Proposed Findley Amendment" documented presented to the Foreign Affairs Committee was unsigned by any member of the executive. The arguments are so weak that it is no wonder.

The purpose of my amendment is not to suggest that an inevitable entanglement must necessarily result from such aid to Cambodia, or that President Nixon or the administration are leading us into another Vietnam-type entanglement. Secretary Rogers repeatedly made clear the President's determination to prevent this from happening. At one point he told the committee, "We have no military forces or advisers in Cambodia, nor do we intend to send any." But no one can foresee with certainty what changed circumstances might bring, or what future Presidents might argue as being in the national interest.

Nor should the Congress foreclose the possibility of making a long-term commitment to assist the Cambodian people in the defense of their country. Such a request by the administration, presented in the normal legislative course next January, could be duly considered and passed upon after searching analysis and thorough debate.

However, under the emergency circumstances of this supplemental request, circumstances which admit of only cursory consideration by the Foreign Affairs Committee, Congress should require that this particular authorization be used strictly for the stated objective, as an aid to Vietnamization. Secretary Rogers was before our committee for just over 2½ hours, and Secretary Laird testified for only 1 hour and 47 minutes. Both stressed that the request was, to use Secretary Rogers words, "of vital importance to our foreign policy, and to the success of the Vietnamization program." And both feel that it is absolutely essential that the authorization and appropriation for these additional funds be passed at this session of Congress. According to Secretary Rogers, the Cambodians may run out of ammunition sometime this month if Congress does not act.

At 5 minutes to midnight, there is not time to debate the wisdom of a long-term commitment to Cambodia, and President Nixon has asked for none. He and his Secretaries of State and Defense have explicitly stated that none is intended. Therefore, why should Congress not write this policy into law?

Does this amendment accord with administration intention? The weight of testimony shows that it does. Several witnesses emphasized the importance of the commitment to our policy of withdrawing troops from South Vietnam. Several stated categorically that the President has no intention of establishing military advisers in Cambodia, that the only U.S. military personnel he would establish there would be logistic specialists required to assure the proper handling of military supply deliveries.

Excerpts from statement by Secretary Rogers:

We have no military forces or advisers in Cambodia, nor do we intend to send any.

Our basic objective in Cambodia is to protect Vietnamization and our withdrawal program by denying to North Vietnam the use of the seacoast and ports and the border sanctuaries. * * * It is why we are now asking for funds for Cambodia.

In answer to the Chairman's question, "Do you feel, Mr. Secretary, that it is absolutely essential that the authorization and appropriation for these additional funds, the \$535 million that needs the authorization and appropriation, should be done in this session of Congress?" Secretary Rogers answered an unqualified "Yes, Mr. Chairman."

In answer to my question, "So in supporting this authorization, no member can properly argue that an affirmative vote is a vote to enter into a commitment to defend the independence of Cambodia. Would that be a fair statement?" Secretary Rogers said, "That is a fair statement."

Here, in summary, is why I believe the Congress should accept my amendment:

1. It gives the President exactly what he and his Secretaries of State and Defense have asked for, no more and no less. According to the testimony, no greater commitment is to be made than is provided for by my amendment. If in the future the commitment must be expanded, and if a case is made for the United States playing a larger role, I shall support it.

2. The requirements of Vietnamization—the program under which our troops are being withdrawn from South Vietnam—are sufficient to justify all the money and weapons provided to Cambodia in this bill. The determination as to what is required to advance the program of Vietnamization is left to the President. This gives the President all the flexibility these short-term emergency circumstances could possibly require.

3. The amendment does not in any way affect the President's ability to protect American lives. It would not prevent President Nixon from sending armed troops back into Cambodia tomorrow if he felt it were necessary. The amendment speaks only of military advisers funded by this bill, not regular combat troops funded by any other source.

4. Coming before the Congress only 2 weeks before adjournment when the legislative crunch is strongest, and under emergency circumstances which will admit of no delay, there has not been sufficient time to consider the implications of a long-term commitment. Such a commitment should be left to the 92d Congress. To do so would prejudice the possibility that Congress tomorrow might decide to sanction the broader commitment.

5. Most importantly, Congress has the constitutional responsibility to pass upon the foreign policy of our Nation. At the very least, we must be able to determine how money which we authorize and appropriate shall be spent. The power of the purse and the power of the sword are the two most important powers and responsibilities committed to us by the Founding Fathers. If we fail to use either one of them, we do a grave disservice to the people we represent.

For the time being, the Congress will wisely limit its Cambodian commitment to the requirements of Vietnamization.

APPENDIX. ARGUMENTS AGAINST THE PROPOSED FINDLEY AMENDMENT TO THE SUPPLEMENTAL AUTHORIZATION BILL

1. As a general principle, it is bad policy to seek by legislative action to restrict the power of the Commander in Chief on matters which clearly come under his constitutional authority.

2. It would be a mistake for Congress to single out one country, such as Cambodia, and seek to limit assistance to that particular country by legislative amendment. The recent testimony of the Secretary of State before the House Foreign Affairs Committee made it clear that the administration, in granting assistance to Cambodia, was not going to follow the policy of the early 1960's with regard to Vietnam. The administration does not plan to send military advisers or combat personnel to Cambodia. However, any such operational limitations ought to be self-imposed by the Executive. Congress should not attempt to force them on the President through statute. Adoption of such an amendment would no doubt have a seriously adverse psychological effect on the Government of Cambodia.

3. When the people of Cambodia are demonstrating exceptional enthusiasm for national defense programs, as they are today, it would be unfortunate, indeed, for the U.S. Congress, by such an amendment, to appear to single out that particular country as one for which our support must be specifically qualified. An encouraging aspect of the situation in Cambodia is the enthusiastic support being shown by its

students, its civil servants, its intellectuals, and others for programs aimed at strengthening and defending the country's independence. The morale of the Cambodian people is vital in its efforts to defend itself against the North Vietnamese invader. It would be very unfortunate if any action by the U.S. Congress had the effect of weakening that morale.

4. Although present U.S. assistance to Cambodia is aimed primarily at making it possible to proceed on schedule with Vietnamization, it would be a mistake to adopt any amendment which might appear to preclude any future economic assistance to Cambodia, should that need develop in the period following Vietnamization and the conclusion of the Vietnam war.

5. The amendment is exclusively negative. It does not take account of the fact that the Nixon doctrine goes far beyond Vietnamization. The Nixon doctrine is essentially a positive doctrine, in that it calls for assistance to those countries willing to take on a greater share of their own defense. The amendment speaks only in terms of what cannot be done. It does not speak of what should and needs to be done to assist those anxious to act in their own defense.

PAUL FINDLEY.



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